participation of the low-income and less educated voters in our area. You can see the thousands of people who aren't registered to vote. I think it's a cultural thing; it's an educational thing; it's a financial thing.

DELEGATE BALDWIN: Delegate Moore, the Secretary would like to hear the motion you made.

DELEGATE COOPER: Would you repeat your motion please?

DELEGATE BALDWIN: He said he would prefer you submit it in writing to him.

Delegate Harris.

DELEGATE HARRIS: Delegate Brian Moore, I didn't think that it would be necessary tonight to entertain and discuss this motion because you canvassed me, along with you say 15 other people, today to see how we thought about it. I thought that we had discussed it and if ever did it pass, you would not have much participation at the polls to know that, number one, registration is havoc. And if you know the conditions of the registration rules now, with 30 days prior to, you would certainly not attempt to indicate that we ought to have on-sight registration.

Today I thought I gave you an example of how people use other forms of identification for various purposes and that

that would be -- we would have the largest number of challenged ballots of any state of people registering on sight.

I also would like to indicate that -- let me finish -- that the culture, finance and economic has nothing to do with those numbers you put up there on that board. It has to do with a lack of voter education programs in the City. And you can have a poll across the street from somebody's house and if they don't understand the reasons and the importance of voting, they will not go over there and vote.

I think what you are proposing is ludicrous.

DELEGATE BALDWIN: Let's refrain from addressing the persons who made the motion. You should address the chair only and we can't have this conversation between delegates.

Delegate Corn, Delegate Jordan, Delegate Barnes, Delegate Robinson, Delegate Blount, Deletage Garner and Mason.

DELEGATE CORN: I too speak against the motion. The reason is it's not a matter necessarily of finance or education. That same finance, that same education and cultural things can be done prior to the 30-day limit of registration. If you were to allow people to register and vote at the polls on election day, even if you assumed that we had the most

sophisticated and capable Board of Elections and Ethics, which we all know we do not have, it would still be not only chaotic -- that's not even the point. It would lead to much election fraud. A candidate would be easily able to register four or five relatives or put in four or five names of relatives; plastic IDs can easily be made at any Sears and Roebuck Store and register them in an address of a friend or their own address and if you do that by a number of maybe 50 or 100 households, of course those IDs would not come back because the heads of the households would know about this, be in collusion with it and, therefore, there could be massive election fraud.

I speak against it for that reason. Having been a candidate in four elections, having won overwhelmingly in three, I would very much go against that.

DELEGATE BALDWIN: Delegate Jordan.

DELEGATE JORDAN: I rise in support of this amendment. It's very aptly termed as same day registration. And someone has cited today certain objections to it. I would disagree with some of the comments that have been made. First, I disagree with the idea that there is a lack of voter participation in this city because of the lack of voter education. I think that the lack of voter participation based on education tends to discount racial implications that exist in voter

turnouts. There has been no empirical study that has been done to indicate why people don't vote. So I guess what we will have to do is consider what we have had people tell us. And in my Ward I know that people don't come out to vote because they don't believe that their vote makes a difference.

They have historically been dispossessed. They have been historically shut out and we can't see in Ward 8 any of the benefits or changes that result from voting. In fact, for those of you who can't remember, a few years ago the residents of Ward 8 had to elicit the help of Antioch Law School to go to court just to secure for us some of the basic services that are delivered throughout this city.

Now I know those who benefit. And you can look at the patterns of voting in this city -- homeowners and the ones who have a certain economic level vote. The people who are not at that level don't. And I think the elite who are mentioned in The Washingtonian magazine this month would love to see restricted voting practices.

Now I just want to say something to the merits of this. I think it's very clear that if we examine our last voting record in the city where 50,000 people went to the polls and were turned away, I don't think that we could have any more chaos than we have had up to this point. But there

is one thing that would have been eliminated had we had same day registration, and that is that those people who went to the polls that day and were told that they couldn't vote because of some of the problems that existed in the Board of Elections would not have been disenfranchised.

Regardless of what we say, the effect of the Board of Elections and Ethics mix-ups or foul-up has been to disenfranchise people who for too long have been disenfranchised. So in that respect, I stand in support of this amendment. I think it will be protective of those people who traditionally and historically have been denied opportunities to participate in the voter process and I hope everyone of you will support it too.

Thank you.

DELEGATE BALDWIN: Delegate Barnes.

DELEGATE BARNES: I can't express my feelings any better than Delegate Jordan has expressed. I would like to add that four states currently have this in operation. I think one thing this convention fails to do is look at the working examples that already exist in other states. And, as I said, I can't really say anymore.

I think to vote for this revision would be a step to voting privilege to more people in practice; even though

people have the ability to register, in practice you get a higher turn-out when you have same-day registration.

DELEGATE BALDWIN: We have heard two for and two against. We have met the rules of bringing it to a vote, unless someone has something to say that differs from what has been said.

Yes, Delegate Robinson.

DELEGATE ROBINSON: Thank you. Delegate Robinson, Ward 5. I stand to speak in favor of the motion to allow same-day voting. I think that this provision, more than any other provision, is probably like an overdue freedom song that could be right on time in terms of giving the franchise instantly to the entire population.

I take great exception to the statement made that it is ludicrous. Is it ludicrous to allow a person who is a resident of this city, who has for one reason or another, be it administrative foul-up or hasn't taken the necessary time to register -- is it ludicrous to disenfranchise this person who has come to the polls to cast his vote?

I urge all of my fellow delegates to stand in support of the amendment to allow same-day voting.

DELEGATE BALDWIN: The chair is going to allow one more person to speak against it and then we are going to bring

it to a vote.

Delegate Blount.

DELEGATE BLOUNT: Fellow delegates, as I recall, when I came to Washington three years ago you had to register at the public libraries and down at the District Building. Now we have voter registration cards which makes it easier to register.

Now under this proposal it would be even easier to come that particular day and register and vote. And I submit that the voter has his personal responsibility -- has to have some effort to register. He cannot just have everything done for him.

The other point is there would be mass confusion at the polls on election day. Candidates would probably be driving through the neighborhoods, paying people to vote, no telling what would happen. The argument that five states used this in my estimation is not a good percentage. Five states out of 50?

So I'm saying to my fellow delegates to vote this down because what I see happening is our constitution becoming a comedy of errors. Every idea under the sun seems to be trying to get included in this constitution. Please vote this down.

DELEGATE BALDWIN: We have heard the pros; we have heard the cons.

Delegate Mason, who is a member of the committee, will have a final say and we are going to vote, fellow delegates.

DELEGATE CHARLES MASON: I rise to oppose the amendment and to point out that the committee language does not prevent same-day registration. It merely leaves that matter up to the legislature. It says the legislature may have at the time of election or by the time of the filing of the petition register to vote in accordance with law. Such registration may be accomplished at any time, except that the legislature may prescribe a period of not more than 30 days immediately prior to the election, during which time registration may not be accepted for that election.

If the legislature chooses to provide that you may register one minute before you cast your ballots, I think the legislature is free to do that. It simply permits the legislature, if it so desires or finds proper, to set a deadline some time before the person votes, some specified time, but in no case more than 30 days.

DELEGATE BALDWIN: Mr. Secretary, would you read the amendment please? Delegate Harris, point of information.

DELEGATE HARRIS: Just to aid me in voting. I notice that three or four people, when they got up to speak, mentioned that there were four or five states out of the 50 that are now employing this method. And I am wondering: Did they look into some of the problems, especially my State of Louisiana, has had in that kind of procedure? I didn't hear that.

DELEGATE BALDWIN: Delegate Johnson, can anyone on your committee respond specifically to what she is saying, look into the State of Louisiana?

DELEGATE BRIAN MOORE: The State of Louisiana does not have same-day registration, but Minnesota had a minimal two or three cases in the 1980 election where there was obvious fraud, that they prosecuted. They said that there has been minimal, minimal fraud,that they can track it down easily. They make people sign affidavits and oaths and it's very, very corrective. In fact, they are promoting it all over the country.

The Secretary of State's office who I spoke with and a congressman of Minnesota has given me --

DELEGATE BALDWIN: Thank you. You have answered the question please.

The chair will entertain a motion. The question has

been called for. Those in favor, signify by saying aye.

(A chorus of "ayes".)

DELEGATE BALDWIN: Oppose is nay.

(No response.)

DELEGATE BALDWIN: The ayes have it; so ordered.

We are ready for the amendment. Mr. Secretary, would you read it?

DELEGATE COOPER: The amendment as set forth by Brian Moore will replace all of Section (E) with the following: "Is considered eligible to vote by pre-registration or by demonstrating proof of residence at the time of voting."

DELEGATE BALDWIN: Those in favor of that amendment, signify by saying yes.

(A chorus of "ayes".)

DELEGATE BALDWIN: Oppose nay.

(A chorus of "nays".)

DELEGATE BALDWIN: Show of hands. Those in favor of the motion, signify by raising your hands.

(A show of hands.)

DELEGATE COOPER: Twelve.

DELEGATE BALDWIN: Those opposed. (A show of hands.)

DELEGATE COOPER: Fourteen.

DELEGATE BALDWIN: Abstention.

(A show of hands.)

DELEGATE BALDWIN: Mr. Secretary, what is the count?

DELEGATE COOPER: Twelve in favor; 14 not in favor.

DELEGATE BALDWIN: Twelve in favor; 14 not in favor. The amendment was lost.

Delegate Corn.

DELEGATE CORN: Yes. I have two other amendments.

DELEGATE BALDWIN: Delegate Corn, will you please give one amendment?

DELEGATE CORN: At a time, okay. On Section (D), 1(D), I would delete the words on lines 20 and 21 "in the State of". After all, if they were -- so it will now read under (D) "is not then incarcerated" --

DELEGATE BALDWIN: Please do not read what it will say. You are supposed to state your deletion and your insertion and that only.

DELEGATE CORN: Deletion only, lines 20 and 21 "in the State of blank".

DELEGATE JONES: A point of order.

DELEGATE BALDWIN: It was not seconded, Delegate Jones.

DELEGATE CORN: Wait. Did you ask for a second?

(Simultaneous discussion.)

DELEGATE BALDWIN: Yes, Delegate Jones.

DELEGATE JONES: I thought that we had finished with (D) and that we are down to (E).

DELEGATE CORN: Mr. President, I had my hand up and originally was going to speak. You then recognized Delegate Harris and then Brian Moore.

DELEGATE BALDWIN: Delegate Jones, if her amendment gets a second, it would be in order.

Would you repeat your amendment again please?

DELEGATE CORN: On (D), 1(D), lines 20 and 21, delete the words "in the State of blank".

DELEGATE BALDWIN: Is there a second?

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It was moved and properly seconded that you delete the phrase "in the State of blank".

DELEGATE CORN: Now may I speak to my motion?

DELEGATE BALDWIN: No, it isn't necessary.

Delegate Kameny.

DELEGATE KAMENY: I would like to speak against this motion because this would tend to impose on us in the District of -- well, if it's now a state the criminal codes of other states may well be clamping that felonies which are

not felonies -- and then people would be denied to vote not on our laws but of the laws of other places.

DELEGATE BALDWIN: Delegate Corn.

DELEGATE CORN: That is not at all what would happen if I deleted these words. The point of this is: Let's say we have a District of Columbia resident who is now in the State of South Carolina and is on a vacation, holds an armed robberty there, is convicted there of a felony, is in jail in South Carolina and they are incarcerated in a correctional institution as a result of a conviction in the United States of a crime which is a felony, are you going to let them vote absentee ballot from a South Carolina jail if that were not a felony here in the District?

DELEGATE BALDWIN: Delegate Bruning.

DELEGATE BRUNING: There are other crimes to which this would apply.

DELEGATE BALDWIN: Delegate Blount.

DELEGATE BLOUNT: Mr. Chairman, I move to table this motion.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: The motion has been tabled. It is not debatable. So we will move on.

It has been moved and properly seconded that we table

the primary amendment.

Those in favor, signify by saying yes.

(A chorus of "ayes".)

DELEGATE BALDWIN: Opposed is nay.

DELEGATE CORN: Nay.

DELEGATE BALDWIN: The matter has been tabled.

Delegate Corn.

DELEGATE CORN: Next amendment. Section 2, line 35--

DELEGATE BALDWIN: We're not in Section 2. We are still in Section 1.

DELEGATE CORN: May I ask to be recognized when we are up to Section 2 for an amendment?

DELEGATE BALDWIN: Yes, you may.

Delegate Garner.

DELEGATE GARNER: I call the question on Section 1.

(Whereupon, a second was given.)

MR. THOMAS: All right. First of all, I apologize for not having a written report tonight. I was expecting another section to be discussed.

I think there is something that should warrant more discussion just in case you are not aware of it in Section (D). As it reads, it disqualifies one who is -- where it allows one to vote who has not been incarcerated in a correctional

institution as a result of conviction in the United States of a crime which is a felony in the State of blank. That implies if someone is incarcerated in a local jail for a misdemeanor, he can vote, circulate petitions, et cetera. And if that is the wishes of the delegation, so be it. However, I just wanted to raise it to your attention.

DELEGATE BALDWIN: Thank you.

We will move on. The motion is the adoption of your Section 1, Delegate Johnson.

DELEGATE HARRIS: Point of information.

DELEGATE BALDWIN: What is your point of information?

DELEGATE HARRIS: When I asked about discussing Section (A) and Delegate Jackson was discussing (D), you were going back and forth and we did not get back to even discuss (C) or (E).

DELEGATE BALDWIN: It's not a matter of discussion, Delegate Harris. It is Section 1; and Section 1 consists of (A), (B), (C) and (D) and (E). So is there an amendment or you just want to raise the question?

DELEGATE HARRIS: I want to raise a question to the committee.

DELEGATE BALDWIN: That should have come under question and answer. That is delaying us, unless we are speaking

of amendments to the motion.

DELEGATE HARRIS: I want to make an amendment, but I want to find the committee's thoughts.

DELEGATE BALDWIN: Okay.

DELEGATE HARRIS: Is there any particular reason why there is not a period in which a person should be a resident of the state before they are allowed to vote. I don't see 60 days, 90 days or anything here.

DELEGATE BALDWIN: Delegate Johnson, which one should respond?

Can anyone on the committee respond to Delegate Harris' -- allow the committee members --

DELEGATE JONES: Well, if Delegate Garner is not up here supporting us, I think he ought to speak just like any other delegate that is on the floor.

Anyway I would like to speak to the question.

DELEGATE BALDWIN: Delegate Jones, please.

DELEGATE JONES: We have in another section placed the language for qualifying a voter and that's the reason that you do not find in this section that --

DELEGATE BALDWIN: Thank you very much. We are now going to act on Section 1.

DELEGATE JOHNSON: I would like to ask the chair

how we would deal with the point that has been raised by our legal counsel. We haven't received, as he said, a written report in advance of this meeting. Is there some language that we could adopt because we -- Delegate Bruning.

DELEGATE BRUNING: As I understand it, that clause is in there, that contingency to mean -- misdemeanor means, you know, we have -- it's clearly between a misdemeanor conviction and a felony conviction. And it's the felony in which the penalty --

DELEGATE BALDWIN: We will now vote on Section 1.

Our General Counsel brought a point before the delegates. Now whether or not he is clear on that is whether or not you want to accept a vote on it. Delegate Bruning responded to his concern.

(Simultaneous discussion.)

DELEGATE BALDWIN: Delegate Long.

DELEGATE LONG: Mr. Chair, I would like to speak in favor of this Section 1. I would like it known for the record that, although I voted against the Brian Moore amendment, I did that because I think we might not be ready for same-day registration. I would like the record to note why I voted against it. I would urge the legislature to make voting as easy as possible. And I would like to call the

question on Section 1.

(Whereupon, a second was given.)

DELEGATE BALDWIN: It has been moved and properly seconded that we vote on Section 1. Those in favor, say aye.

(A chorus of "ayes".)

DELEGATE BALDWIN: Oppose is nay.

(No response.)

DELEGATE BALDWIN: The ayes have it; so ordered.

Those in favor of adopting Section 1 with the amendments, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Oppose is nay.

VOICE: No.

DELEGATE BALDWIN: Section 1 has been adopted.

Section 2, Delegate Johnson.

DELEGATE JOHNSON: This section has been read. I move the adoption of Section 2, eligibility of residents temporarily out-of-state.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded for the adoption of Section 2.

Those in favor, signify by saying --

DELEGATE CORN: Amendments.

DELEGATE BALDWIN: Mr. Moore, did you have an amendment? You're the one that had the minority report?

DELEGATE BRIAN MOORE: Yes. No, I don't. Thank you.

DELEGATE BALDWIN: Discussion on Section 2. Delegate Corn.

DELEGATE CORN: One amendment, line 35, after the word "state" add a comma and the following language, "or while on vacation".

Supposing somebody takes a one-year vacation, a trip around the world, do they lose their residence here.

DELEGATE BALDWIN: What are you deleting? Are you just adding?

DELEGATE CORN: Adding the words "while on vacation".

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that we add "while on vacation" at the end of line 35.

Are you ready for the discussion?

DELEGATE CORN: May I speak to my motion?

DELEGATE BALDWIN: No, you may not. We understand.

DELEGATE HARRIS: Madame Chair, what I think is happening here -- and you can correct me -- what is being

proposed here is synonymous with absentee voting?

DELEGATE JOHNSON: Yes, ma'am.

DELEGATE HARRIS: And if it is, would it not be out of place here since there is a section on absentee voting?

DELEGATE JOHNSON: You are absolutely correct.

DELEGATE BALDWIN: Delegate Corn, the second has been withdrawn.

Are there other amendments to Section 2?

Delegate Talmadge Moore has a question.

DELEGATE TALMADGE MOORE: In line 32, there is reference to the service of the United States. What services are you thinking of?

DELEGATE BALDWIN: Delegate Johnson.

DELEGATE CHARLES MASON: As this language was originally written, we said the military citizens of the United States. Several of the witnesses at the hearing pointed out that there are other people in the service of the United States Government other than the military, who are stationed overseas. These included ambassadors, other employees of embassies, people in the United States Information Agency, et cetera, and that such people should be entitled to the same consideration that we were according to the military. We thought that was a good idea. So we struck the word "military"

So this includes anyone overseas or outside the state in order to serve the United States Government in any capacity, whether it be military or civilian.

DELEGATE BALDWIN: Thank you, Delegate Mason.

Delegate Cooper.

DELEGATE COOPER: Yes. I just have a question for the committee. It's almost kind of stylistic, but it seems to me that in Section 2 with regard to the service, the word "serving" is somewhat redundant. It could probably be cleared with "while in service of the United States".

DELEGATE JOHNSON: We also thought it was redundant. We didn't know how to resolve it because we've said exactly what we mean "while serving in the service of the United States" but we thought perhaps those who are wise and involved in style and drafting will know how to resolve that.

DELEGATE BALDWIN: State your point of order please.

DELEGATE CORN: I believe what I presented was misinterpreted before --

DELEGATE BALDWIN: You're out of order, Delegate Corn.

Are there any amendments to Section 2?

(No response.)

DELEGATE BALDWIN: Having heard none, we are now

voting on Section 2. Those in favor of the adoption of Section 2, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Those opposed nay.

(No response.)

DELEGATE BALDWIN: Thank you.

Section 3.

DELEGATE JOHNSON: I move the adoption of Section 3, absentee voting. It is a one-line section.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has moved and properly seconded that we adopt Section 3. Discussion?

Point of information.

DELEGATE CORN: Point of information. Is Section 3 spelling out the absentee ballots shall be accorded to only those individuals that qualify under Section 2?

DELEGATE JOHNSON: Shall I read Section 3? It says: The legislature --

DELEGATE BALDWIN: The question has been answered and we will move on.

DELEGATE CORN: The question has not been answered, sir. By reading me the line does not answer the question. I specifically asked: Does Section 3 apply only to those

individuals qualifying under Section 2?

VOICE: No.

DELEGATE BALDWIN: Are you ready for the question? Those in favor of adopting Section 3, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Oppose is nay.

(No response.)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: Section 3 is adopted.

DELEGATE BRIAN MOORE: I have a section of this article to insert.

DELEGATE BALDWIN: What article are we speaking of?

DELEGATE BRIAN MOORE: It's regarding open primaries.

DELEGATE BALDWIN: We have adopted Section 3. We are now in Section 4.

Delegate Johnson, will you proceed with Section 4?

Delegate Johnson, when would open primaries be in order for an amendment?

DELEGATE JOHNSON: I would suggest, Mr. Vice President, that that be considered after we complete Section -- the adoption of Section 4 with amendments, because what he is suggesting is something that is not included in our articles.

DELEGATE BALDWIN: You say that is a new section, if any?

DELEGATE JOHNSON: Possibly yes.

DELEGATE BALDWIN: Okay. Section 4.

DELEGATE JOHNSON: I'm not sure. He has said open primaries. So I'm not sure what -- I haven't had the benefit of knowing what he is suggesting. So I'm not sure if it's altogether separate or not but we --

DELEGATE BALDWIN: Section 4 please.

DELEGATE JOHNSON: Okay. I move the adoption of Section, legislative residency.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that we adopt Section 4. Discussion? Delegate Love, Delegate Talmadge Moore and Delegate Long.

DELEGATE LOVE: Mr. Chair, I would like to ask Delegate Theresa Jones who is on the Legislative Committee and drew up the requirements for legislature did not include this in her section. Could you explain this and give me your feelings about it?

Since this adds an additional requirement to running for office to the legislature which is not in the legislature section, I have no strong feelings for that, but she wrote that

section and it did not include --

DELEGATE BALDWIN: I guess in essence he is just saying: Doesn't this belong in Legislature? That's really what he is saying.

Is there any further discussion on Section 4?

DELEGATE LOVE: May I have an answer to my question?

DELEGATE BALDWIN: Can you answer his question please?

DELEGATE JONES: The only difference here is as it says that a person is a registered qualified voter, and since I was not the author of this section and I'm a little opposed to picking to pieces of the work -- or the work of other people, I did not add it.

I can't tell you for what reason. I agree with the section and I agree with the person being a registered qualified voter.

DELEGATE BALDWIN: Thank you.

Delegate Talmadge Moore.

DELEGATE TALMADGE MOORE: Mr. Chairman, I move to table 4. Section 4 --

DELEGATE LOVE: Point of order. It's not debatable.

DELEGATE TALMADGE MOORE: I will say it again, Mr. Chairman.

I move to table Section 4. Section 4 is dealt with

extensively in the Legislative Committee.

DELEGATE BALDWIN: Thank you.

Is there a second to the motion to table?

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that we table Section 4. Is there discussion?

DELEGATE LOVE: Mr. Chair, point of order.

DELEGATE BALDWIN: Yes.

DELEGATE LOVE: I believe Mr. Moore does not want to table this. He wants to postpone discussion --

DELEGATE BALDWIN: He used the word "tabled" and that is what we are doing.

DELEGATE LOVE: Well, can I ask a point of order?

DELEGATE BALDWIN: Well, that's what postpone means anyway, Delegate Love.

(Simultaneous discussion.)

DELEGATE BALDWIN: We are dealing now with the motion that is on the floor and that is to table and I'm sure Delegate Talmadge Moore can speak for himself and he knows what he had in mind and he said to table. And that's what's on --

DELEGATE LOVE: Can I have a point of information?

DELEGATE BALDWIN: Sure.

DELEGATE LOVE: If we vote to table this, then that

means in order to get it off the table, we will have to have rules to bring it off the table?

DELEGATE BALDWIN: Yes, indeed, right.

Any further discussion on the motion to table?

(Simultaneous discussion.)

Delegate Long and then you.

DELEGATE LONG: I move to postpone discussion of this section until we get to the same section of the Legislativ. article.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that we postpone Section 4 until we get to the same section in the Legislative article.

Discussion?

Delegate Corn, Delegate Kameny, Delegate Barnes.

DELEGATE CORN: I move a substitute motion. I would move to delete all of Section 4 here since it will be dealt with in the Legislative Branch.

May I speak to the difference?

(Simultaneous discussion.)

DELEGATE CORN: Would you call for a second please?

DELEGATE BALDWIN: We have waited and there were no seconds.

Delegate Kameny.

DELEGATE KAMENY: I rise to oppose this motion because, as I understand its effect, it would then preclude our adoption at this time of this whole article by leaving it almost semi-permanently open. And we ought to be able to close the matter off tonight. Ultimately, if we discuss the matter in the Legislative section and decide differently, we can resolve the matter there or go to Style and Drafting on inconsistency. As long as the question is left open, nothing is closed to us by adopting this now.

DELEGATE BALDWIN: Is there further discussion? Delegate Schrag and Delegate Barnes, did we get you?

DELEGATE BARNES: No.

DELEGATE BALDWIN: Delegate Schrag.

DELEGATE SCHRAG: I disagree with Delegate Kameny's assertion that we close this off. If we postpone this, we can certainly adopt this article with three sections of it and then when we get to the Legislative article, Section 3, which deals with qualifications of members, and it is quite detailed, anything that permits can be moved as an amendment to that section. So we can close this off and then deal with it when we get to Legislature.

DELEGATE BALDWIN: Delegate Bruning.

I'm sorry, Delegate Barnes.

DELEGATE BARNES: I would like to remind the delegates that we had an issue similar to this this evening. The body voted against allowing that sort of thing to take place.

DELEGATE BALDWIN: Delegate Love, did you have your hand up?

DELEGATE LOVE: I just wanted to ask concerning the ruling if we could vote on this without this section and I think we could. So I don't think there is any --

DELEGATE BALDWIN: Excuse me. Are you ready for the question?

Those in favor, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Opposed is nay.

(A chorus of "nays".)

DELEGATE BALDWIN: I guess we have a division.

Those in favor, signify by showing hands for yes.

Does everyone understand what you are voting for? Those in favor of the Long amendment or motion, signify by show of hands.

(A show of hands.)

DELEGATE BALDWIN: Those opposed.

(A show of hands.)

DELEGATE BALDWIN: The motion is lost.

DELEGATE LOVE: I make a motion for Section 4 to read "to be a candidate for election to the legislature or".

DELEGATE BALDWIN: It now reads: "A person is ineligible to serve in the legislature unless that person is a registered qualified voter of the election district in which he or she seeks election or is representing."

Discussion?

DELEGATE JOHNSON: Delegate Mason from our committee would like to speak briefly.

DELEGATE BALDWIN: Delegate Mason.

DELEGATE MASON: I would ask the maker of the motion whether it is his intent for the person who lives in one district be permitted to run for a seat in another district on the promise to move there if he is elected. I think that would be a poor idea, but I think that would be the result if we were to adopt this amendment.

Now as I live in Ward 4, and I think I might do better in Ward 2 than in Ward 4, so I run for a Ward 2 seat and say if I am elected, I will move to Ward 2. I think that would be --

DELEGATE BALDWIN: Yes.

(Simultaneous discussion.)

DELEGATE BALDWIN: Other discussion?

VOICE: Yes. I think this section is totally coherent as it is. If, indeed, we wind up overlapping with another committee, that can be worked out in Style and Drafting, I think people will accept that in good grace.

DELEGATE BALDWIN: Is there any further discussion?

(Simultaneous discussion.)

DELEGATE BALDWIN: Yes, Delegate Graham.

DELEGATE GRAHAM: Yes, I would like to say one thing: I am looking at the legislative proposal in front of me and it talks about the qualifications of the Senators and that that person should be at age 18 and have their residence in the state for no less than three years, and have their residency in the District here no less than 18 months. It seems to me that this is really not exactly as the one being discussed now. The one that is being discussed now is rather general. So I think we should vote for keeping it as it is.

DELEGATE BALDWIN: Is there any further discussion? Ms. Corn.

DELEGATE CORN: Substitute motion, line 40. Delete the words "to serve in the legislature" and put in its place

"be a legislator". That speaks only then to people who are the legislators.

DELEGATE BALDWIN: May we hear your substitute motion please?

DELEGATE CORN: Line 40, delete the words "to serve in the legislature" and add in their place "be a legislator".

DELEGATE BALDWIN: That's not a substitute motion. That is not a substitute motion and unless you intend for it to be a secondary amendment, it is out of order. You can only amend twice. You have what is called a primary amendment, which would be the person who raised the first one, I guess Delegate Love. And unless you are dealing specifically with what Delegate Love is amending, yours is out of order.

The preliminary amendment has been withdrawn. Is there any further discussion of Section 4?

The question has been called for.

Those in favor, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Oppose is nay.

(A chorus of "nays".)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: The ayes have it.

Delegate Moore. We are getting ready to vote, Delegate Moore. The question was called for. There can be no further discussion.

Those in favor of adopting Section 4, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Oppose as nay.

(No response.)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: Section 4 has been adopted.

Delegate Moore.

DELEGATE BRIAN MOORE: Yes. I would like to insert a new provision in this section labeled Section 5, open primaries, and it should read as follows: I move that all registered independents on the day of the election shall be allowed to vote in the party primary election of their choice.

DELEGATE BALDWIN: Will you read it again please?

DELEGATE BRIAN MOORE: I will read it again. All registered independents on the day of the election shall be allowed to vote in the party primary election of their choice.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: Discussion?

Delegate Moore.

DELEGATE BRIAN MOORE: Thank you.

If you notice on the wall over here, the number of registered voters in the District of Columbia presently would indicate that there are 25,000 Republicans or 8.8 percent of the total. There are 221,000 Democrats or 76.8 percent and 37,000 independents or 13 percent. Those are 1978 figures. So there are probably 40,000 independent voters in the District right now.

I am assuming that many, many of those 40,000 independent voters are government workers for the District of Columbia government or the federal government. They register as independents to protect their jobs and put themselves in a position of promotion. This is a work town. There are changing administrations here approximately every four years.

The trouble is that in this city elections are decided at the primaries. The Mayor will be chosen in the primary and the governor will be chosen in the primary. I tried to maximize voter participation and to allow indepedents to vote in the primaries on either a Democrat or a Republican ballot and a truer participation would be in order here.

DELEGATE BALDWIN: Delegate Croft.

DELEGATE CROFT: Everybody in this city understands the primary vote is in the primary election. People know that.

People have made their choice. They have registered to be independents and they made that choice.

DELEGATE BALDWIN: Delegate Bruning.

DELEGATE BRUNING: Yes. We considered this at length and indeed that was the decision. Independents make their choices just like I, as a member of the Statehood Party, have decided in effect that I will not determine who the mayor is in the Democratic primary. Yet I believe in the Statehood Party and I have decided that that is a conscious option that I have made on my part. Independents, if they decide they want to protect their jobs and it's ten years up the road or something and they remain as an independent, that is their choice, but with choices there are liabilities. And that's one liability.

DELEGATE BALDWIN: Delegate Paramore.

DELEGATE PARAMORE: I rise to speak for the substitute motion.

(Simultaneous discussion.)

DELEGATE PARAMORE: What I am saying is as far as the independents or the Statehood Party and other parties, maybe they will have to have their own primaries to select their candidates. But there is no need for a general election if you are going to allow independents and others to vote in the

primaries. So I think at this point in time it's a little bit too much to change right now.

DELEGATE BALDWIN: Delegate Kameny.

DELEGATE KAMENY: I urge that this motion be voted down. Primaries are party affairs for party members. Independents have made their bed; they will have to lie in it. If they want to vote, let them form an independent party and run their own candidate and vote for her or him. But otherwis you vote for the candidate of a party you are registered, if you are registered in a party, otherwise not.

DELEGATE BALDWIN: Delegate Corn.

DELEGATE CORN: I move the substitute motion.

(Simultaneous discussion.)

DELEGATE BALDWIN: Is there a second?

(Whereupon, the motion was seconded.)

DELEGATE CORN: I would like to speak for the motion. In this city there are --

(Simultaneous discussion.)

DELEGATE CORN: I was recognized.

DELEGATE BALDWIN: A motion to table has precedent. He can bring it up --

DELEGATE CORN: Over the speaker?

DELEGATE BALDWIN: Yes.

DELEGATE CORN: It can be called out?

DELEGATE BALDWIN: At any time.

Those in favor of the motion to table, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Opposes nay.

DELEGATE CORN: Nay.

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: The ayes have it. The motion has been tabled.

Delegate Johnson.

DELEGATE BRIAN MOORE: Point of order.

DELEGATE BALDWIN: Yes.

DELEGATE BRIAN MOORE: Was that tabled for the first motion?

(Simultaneous discussion.)

DELEGATE JOHNSON: We are moving Delegate Moore's addition to the article.

DELEGATE BALDWIN: Any discussion on Delegate Moore's amendment?

(No response.)

DELEGATE JOHNSON: Is there a second to moving the

previous question?

(Whereupon, the motion was seconded.)

DELEGATE JOHNSON: All those in favor of moving the previous question, signify by saying aye.

(A chorus of "ayes".)

DELEGATE JOHNSON: Opposed.

(No response.)

DELEGATE JOHNSON: Abstention.

(No response.)

DELEGATE JOHNSON: So be it. We are now voting on Delegate Brian Moore's addition to this article. All those in favor --

DELEGATE BRIAN MOORE: Point of order, Mr. President.

DELEGATE BALDWIN: Yes.

DELEGATE BRIAN MOORE: Under the rules, at least two people for and two people against can speak on a motion on the floor.

(Simultaneous discussion.)

DELEGATE BALDWIN: Delegate Rothschild, are you speaking in support of Delegate Moore's motion?

DELEGATE ROTHSCHILD: Yes. Just briefly, I speak in favor of it because essentially you are disenfranchising a lot of people considering the large registration we have under

the Democratic Party and the fact that the primary election is really the election. The general election here is of no true significance.

So I think in our particular situation in our new state, where it's probably likely going to stay the same, I think we should try and enfranchise as many people as possible and encourage voting and encourage voter participation. And I think by the suggestion that Delegate Brian Moore has come up with we will do that and we will get more people participating in our elections.

Thank you.

DELEGATE BALDWIN: Thank you.

We're ready for the previous question. Those in favor of the previous question, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Oppose is nay.

(No response.)

DELEGATE BALDWIN: You so have it. We will now vote on Delegate Moore's amendment.

Those in favor of Delegate Moore's amendment, signify by saying yes.

(A chorus of "ayes".)

DELEGATE BALDWIN: Opposed is nay.

(A chorus of nays.)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: The nays have it; the motion lost.

Delegate Johnson, your second article.

DELEGATE JOHNSON: I move the adoption of the Section 1, as amended, on voting eligibility.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that we adopt Section 1.

DELEGATE JOHNSON: The whole article -- excuse me. The whole article on suffrage.

(Whereupon, the motion was seconded.)

DELEGATE JOHNSON: And there is a second.

DELEGATE BALDWIN: It has been moved and properly seconded that we adopt Article I, Suffrage. Those in favor, signify by saying yes.

(A chorus of "ayes".)

DELEGATE BALDWIN: Opposed is nay.

(No response.)

DELEGATE BALDWIN: The article on suffrage has been adopted.

Your second article, Delegate Johnson.

DELEGATE CORN: Point of order, Mr. President.

DELEGATE BALDWIN: State your point of order please.

DELEGATE CORN: I would like you to explain under the point -- under lay on the table, according to Roberts Rules, let me just read straight out of Roberts Rules. "If an important question must be settled immediately and there is no urgent reason for the assembly to lay it aside, a motion to lay the question on the table is clearly dilatory and consequently should be ruled out of order by the chair."

I would like to further read to you --

DELEGATE BALDWIN: The parliamentarian was present and I asked him and he said it was in order; therefore, it is. So we will move on please.

DELEGATE CORN: Who is the parliamentarian?

DELEGATE BALDWIN: He just left.

(Simultaneous discussion.)

DELEGATE BALDWIN: On Monday night the President announced that we did in fact have a parliamentarian, Mr. Landau (Phonetic) and he left about five minutes ago -- the gentleman sitting to my right.

We will move on please. Delegate Johnson.

DELEGATE JOHNSON: I am now reading the article on apportionment.

"Section 1. Reapportionment of Legislative Districts. The State of _____ shall be apportioned into ___ legislative election districts of substantially equal population. Each such district shall be represented by one legislator. As soon as practicable after the results of each decennial census are reported, such election districts shall be revised in such manner as to maintain __ districts of substantially equal population. The reapportionment of election districts shall be carried out by the Reapportionment Commission established by Section 2 of this article and shall be subject to judicial review upon the application of any qualified registered voter of the state."

Page 2 or 3, "Section 2. Apportionment Standards. In the year following each decennial census, the State of _____ shall be apportioned into ___ legislative districts. Each district shall have a population which varies by no more than 3 percent from the average population of all districts. Each such district shall respect neighborhood integrity, be contiguous, and shall be compact as possible. In preparing a plan, the Commission may take into account natural features, such as rivers and open spaces, such as parks, but shall not take into

account the addresses of incumbent legislators, the political affiliations of registered voters, previous election results or demographic information other than the actual number of persons found by the most recent census to reside in each census tract or other geographical area. No reapportionment actions shall be taken for the purpose of favoring or harming any political party, incumbent public official, or other person or group.

"Section 3. Reapportionment Commission. (a) The reapportionment of legislative districts shall be carried out by a Reapportionment Commission consisting of five members appointed by the Governor in January of the year prior to the year the decennial census is conducted. No member of such commission may hold any other public office. The State committee of each of the three political parties receiving the highest number of votes in the most recent gubernatorial election shall submit to the Governor a list of three names of registered voters who are members of that party for the Governor's consideration in making his selections -- his or her selections. The presiding officer of the legislature shall likewise submit to the Governor the names of three registered voters, regardless of party affiliation. The Governor shall appoint the Commission from the combined list

of twelve names submitted to him or her. Not more than two of the five appointees shall be members of any one political party.

"Part (b) In addition to establishing the legislative districts pursuant to subsection (a) of this section, the Commission shall establish any districts required for the members of the United States House of Representatives and representing this state, appropriate single-member districts for any other elective office, and participation in joint Federal and State preparations for the decennial census.

"Part (c) The Reapportionment Commission shall continue in office until the final completion of the reapportionment with respect to all relevant offices as a result of the decennial census including the final adjudication of all appeals and litigation."

The rationale for that section, of course, is attached at the end for your reading.

DELEGATE BALDWIN: We will devote the next ten minutes to questions and answers on the article that deals with apportionment.

Delegate Rothschild.

DELEGATE ROTHSCHILD: Under the section, Section 2, Apportionment Standards, on line 21, we speak to neighborhood

integrity. And then further on it says down on lines 30 and 31 that "no reapportionment actions shall be taken for the purpose of favoring" and I will skip to "group".

Doesn't group have something to do with neighborhood integrity? And wouldn't an ethnic group somehow be part of the definition of neighborhood?

DELEGATE BALDWIN: Does the committee understand his question?

DELEGATE CHARLES MASON: Neighborhood means a neighborhood which naturally are around schools or around civic associations or around parks, ANCs like Adams Morgan. I think everyone of us knows what is meant by a neighborhood, like Shepherd Park or Takoma.

I do not think it has anything to do with ethnic groups, no. It has to do with geographical areas which commonly -- have common interests -- geographical areas which have common interests.

DELEGATE ROTHSCHILD: So if an ethnic group is cut in half, that wouldn't be considered illegal?

DELEGATE CHARLES MASON: You shouldn't do it for the purpose of cutting them in half, but if it's a neighborhood that has always been two separate neighborhoods --

DELEGATE BALDWIN: The question has been asked.

Delegate Kameny.

DELEGATE KAMENY: Section 1, page 1, line 14, I would like to know if this implies that the reapportionment may be subjected to judicial review upon the application of any one registered voter? Any crackpot in the state can go into court and question it, which means there will always be questions. You will have an never-ending round of litigation, it would seem.

DELEGATE BALDWIN: Just answer either yes or no. He has asked one simple question.

DELEGATE CHARLES MASON: Indeed, that is possible. It is possible now. If the person doesn't have a good ground for doing it, it won't last very long in court and he will be spending money on lawyers which he will probably not want to spend unless he has a substantial case. But if he wants to spend money on lawyers, he does have the right to bring the action now or in the future.

DELEGATE BALDWIN: Delegate Schrag, did you have your hand up for a question? I saw it earlier.

DELEGATE SCHRAG: Yes, I have a question. And that is in line 37, authorities. What if the political parties involved don't have a state committee or something called the state committee and what if there are only two political parties

at a particular time? And there may be three of them. Then what happens?

DELEGATE JONES: There is no political party in the world that does not have a state committee because that political party has to organize that way and every political party in the District of Columbia has a committee. That's the way these parties are organized. An unorganized party is not really a party. That's not what the word means.

So, therefore, the question that you ask I don't believe is a question that ought to be asked because every political party has some sort of state committee. They might not call it a state committee, but it is the committee of the party. It's the governing body of the party.

There was something else you asked. What was it?

DELEGATE SCHRAG: If there are two political parties functioning in 1990 or something like that --

DELEGATE JONES: Well, those are the two political parties that will adhere to whatever is in this constitution. There were only two political parties here in the city until the Statehood Party got organized and got enough of a percentage of the voters to get on the ballots. There are other political parties in town now who are likely to get the same percentage.

I don't see why that is a concern at this point.

DELEGATE SCHRAG: Well, the question is it requires 12 names to be submitted. If one of these political parties, let's say the Statehood Party disappeared because we are a state and there is no more Statehood Party, then does the Governor deal with only nine names?

DELEGATE JONES: The Governor of the state can also choose independents to be on these commissions. Nothing precludes them from being on this commission and they are not a party.

DELEGATE BALDWIN: Delegate Jones, I'm sure we know that once we get to debate that can be amended three to two to one and zero or whatever.

Are there other questions?

DELEGATE GRAHAM: May I make a comment also? I don't think we need to just think of the Democratic Party, the Republican Party and the Statehood Party. There are additional parties within a state and within our nation. So as we see, although they may not be as big as the major parties that we confront daily, they still exist and there will be people who may be selected by the Governor.

DELEGATE BALDWIN: The question has been asked. And we would like to move on to other people who have other questions that haven't been answered.

Delegate Corn and Coates and Jackson.

DELEGATE CORN: Lines 19 and 20 "which varies no more than 3 percent from the average population of all districts", I'm not sure exactly what you mean. If it's what I think you mean, I'm delighted; if it's not what I think you mean, I am not delighted.

DELEGATE BRIAN MOORE: Well, I think the point there was that we're trying to apportion the districts so that there would be a very similar amount of residents in each district so that there would not be an imbalance and that one legislator would have to represent more people than his fellow legislators.

DELEGATE CORN: What you mean when you say the averages -- let's say the lowest is 50,000 and then the highest becomes 60,000 -- that would be --

DELEGATE BALDWIN: It means just what it says please and we are not going to spend ten minutes on that. You take the average and you say it shall not deviate more than 3 percent from the average. And that is very clear. The language is very clear. We don't need five or six people on the committee to explain that.

Delegate Coates is next.

DELEGATE COATES: That was my question, whether the

3 percent was 3 percent plus or minus. The other part of the question concerning --

DELEGATE BALDWIN: It could be plus or minus.

DELEGATE COATES: The other part of the question is: Did the committee consider 5 percent?

DELEGATE JOHNSON: Yes.

(Simultaneous discussion.)

DELEGATE COATES: Thank you.

DELEGATE BALDWIN: Delegate Jackson.

DELEGATE JACKSON: Yes, sir, just a small question. The committees who make the nominations, do they have to identify the members -- some places require that you do this; names and addresses of people --

DELEGATE GRAHAM: No, we did not say that and the committee did not even discuss that.

DELEGATE JACKSON: Okay. I just wanted to know because Virginia and some other states do this. And just a small thing: Suppose independents come in too, they can't nominate anybody.

DELEGATE GRAHAM: We were saying at least no more than two from any one political party. Now we did not say that they could not be nominated.

DELEGATE JACKSON: I'm referring to line 37: "The

State Committee of each of the three political parties receiving the highest number of votes may submit to the Governor three names." I'm just asking that just applies to the parties. So if I as an independent or someone gets the second amount of votes, since I don't have a party but I have more votes than the other party, I couldn't nominate anyone?

DELEGATE JONES: If you are an independent, you are not a party.

DELEGATE JACKSON: I know.

DELEGATE JONES:: But it seems to me that a qualified voter in the city could nominate somebody to the Governor because the Governor is not just choosing three people, he is choosing -- what five? He is choosing five. So he could choose an independent.

DELEGATE JACKSON: I'm just asking that if I or you or someone who are independent and come in second or something like that, that does not allow that person to nominate three people. Is that what you said?

DELEGATE JONES: I'm starting on 42 on the next page says that "the Presiding Officer of the legislature shall likewise submit to the Governor the names of three registered voters, regardless of party affiliation."

DELEGATE BALDWIN: The answer is yes to the

delegate's question.

DELEGATE JACKSON: Yes, I could, if I came in second, nominate three people?

DELEGATE JONES: Yes.

DELEGATE JACKSON: Thank you.

DELEGATE BALDWIN: Delegate Love and Marcus.

DELEGATE LOVE: Mr. Chair, I would like to ask the committee, it is often the case that while local percentages of apportionment are relatively high, say 5 or 10 percent -- apportionment to federal offices are often very small -- I would like to know why you decided to have one figure that would take both local and U.S. offices simultaneously rather than separating the two?

DELEGATE CHARLES MASON: The committee discussed the matter which you present and decided that they voted each bureaucrat from every district to have populations that are very close to all the others. The committee voted for one district whereas five or ten --

(Simultaneous discussion.)

DELEGATE CHARLES MASON: And we thought the same principle applied to state offices as to federal offices; not that the courts would require us to, simply we thought it was the best thing to do.

DELEGATE BALDWIN: Delegate Coates, were you next? I'm sorry, Delegate Marcus.

DELEGATE MARCUS: Delegate Jones, I'm not sure you answered Delegate Jackson's question. As I read this -- forgive me because I'm not sure I understand the answers. As I read this, there are 12 names submitted to the Governor, three from each one of the three leading parties in elections plus three and the presiding officer of the legislature. I would assume that the presiding officer of the legislature is going to be a member of one of the three parties that came in as a leader in the gubernatorial race. Consequently, no one is bound to nominate independents for this reapportionment.

I believe that's what Delegate Jackson was asking was: How, in fact, will an independent be nominated?

DELEGATE JONES: Delegate Marcus, an independent does not belong to a party. That's why he chooses to be an independent.

DELEGATE MARCUS: That's correct.

DELEGATE JONES: So he doesn't happen to be treated as a party member.

DELEGATE MARCUS: Well, that means then that none of the independents necessarily want to be on the Reapportionment Commission?

DELEGATE JONES: Well, who wants to be on the Reapportionment Commission --

DELEGATE MARCUS: And not join a party?

DELEGATE JONES: That's right.

(Simultaneous discussion.)

DELEGATE JOHNSON: I move the adoption of Section 1, the article on apportionment, entitled "Reapportionment of Legislative Districts".

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded to adopt Section 1 of the article on apportionment. We are ready for the discussion. Are there amendments? We are on Section 1.

Delegate Marcus.

DELEGATE MARCUS: Yes, sir. I believe that after the words "the presiding officer of the legislature shall likewise submit to the Governor the names" --

DELEGATE JOHNSON: We're on Section 1, Delegate Marcus, lines 5 through 14, page 1 of 3.

DELEGATE MARCUS: Excuse me. Okay.

DELEGATE BALDWIN: Any further discussion?

DELEGATE KAMENY: I call the previous question.

(Whereupon, a second was given.)

DELEGATE BALDWIN: The previous question has been called upon.

Those in favor of adopting Section 1 of apportionment, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Opposed nay.

(No response.)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: The motion for Section 1 of the article on apportionment has been adopted.

Section 2.

DELEGATE JOHNSON: Mr. Chair, I move the adoption of Section 2, entitled "Apportionment Standards", lines 17 through 31, page 2 of 3.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that we adopt Section 2 of the article on apportionment.

Are there any minority reports?

(No response.)

DELEGATE BALDWIN: Having heard none, we will now hear amendments or discussion from the floor.

Delegate Robinson.

DELEGATE ROBINSON: I move to substitute in line 20 the number "5 percent" for the number "3 percent".

I said in line 20 after "than", striking "3 percent" and substituting "5 percent."

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: It has been moved and properly seconded that the number be "5 percent" instead of "3 percent". Discussion?

Delegate Jones.

DELEGATE JONES: Delegate Robinson, the reason that the committee did not use 5 percent because it was the experience in this city that the school district used 5 percent, 5 percent minus or plus. And we found out in the area that we lived that we were always minus when it came to the money and the richer wards were always plus. So that meant that they always had more resources, more money and better everything. And to tighten that up we went to 3 percent.

Some of us were in favor of 1 percent, but we did compromise with 3 percent. And I think for that reason, it ought to stay at 3 percent.

DELEGATE BALDWIN: Further discussion?

VOICE: May I make a comment?

DELEGATE BALDWIN: I'm sorry. Once a committee has

responded and the question is satisfied, we move on.

Any further debate?

The previous question has been called upon. Delegates in favor, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Opposed is nay.

(A chorus of "nay".)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: We will now vote on the amended motion which is 5 percent. Those in favor of the insertion of 5 in place of 3 percent, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Opposed is nay.

(A chorus of "nay".)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: The nays have it; it remains as is, 3 percent.

Is there other discussion on Section 2? Delegate Corn.

DELEGATE CORN: I would like to add an amendment to line 31. I would like to add the following sentence:

"Reapportionment shall" --

DELEGATE BALDWIN: Just one second please. Now you are going to delete what?

DELEGATE CORN: I would like to add the following sentence to line 31.

DELEGATE BALDWIN: Okay.

DELEGATE CORN: "Reapportionment shall not necessarily be by census tract."

DELEGATE BALDWIN: Is there a second?

(No response.)

DELEGATE BALDWIN: Is there a second?

(No response.)

DELEGATE BALDWIN: Having heard none, the motion is lost for want of a second.

VOICE: I second it.

DELEGATE BALDWIN: It's too late, sir; it's too late. We are not here to play games.

Is there any other amendment or discussion?

(No response.)

DELEGATE BALDWIN: Having heard none, we will now vote on Section 2.

DELEGATE CORN: I have one more amendment, sir.

DELEGATE BALDWIN: Yes, Ms. Corn.

DELEGATE CORN: In line 25 and 26 I would like to strike the words "the addresses of incumbent legislators, the political affiliations of registered voters".

DELEGATE BALDWIN: Is there a second?

(No response.)

DELEGATE BALDWIN: Is there a second to the proposed amendment?

(No response.)

DELEGATE BALDWIN: Having heard none, the motion is lost for want of a second.

We are now to the original section. Those in favor of adopting Section 2, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Those opposed nay.

(No response.)

DELEGATE BALDWIN: Abstention.

DELEGATE CORN: I abstain.

DELEGATE BALDWIN: One abstention. Section 2 has been adopted.

Section 3, Delegate Johnson.

DELEGATE JOHNSON: I move the adoption of Section 3, Reapportionment Commission.

(Whereupon, the motion was seconded.)

DELEGATE BALDWIN: Is there a minority report on Section 3?

(No response.)

DELEGATE BALDWIN: Having heard none, we deal with discussion and amendments from the floor.

DELEGATE JOHNSON: May I suggest that we discuss sequentially? There are three parts of this -- Part (a), (b) and (c). It extends over through line 58, page 3 of 3.

DELEGATE BALDWIN: We will have a discussion in order and we will amend in order. We will deal strictly with Section (a) -- item (a) under Section 3.

DELEGATE JONES: I rise on a point of order, Mr. Chairman.

DELEGATE BALDWIN: Yes, Delegate Jones.

DELEGATE JONES: As Treasurer to this convention, I have to be ever mindful of what the budget is and also mindful of the fact that we have to defend the budget tomorrow before the House Budget Committee. And we will have to pay for the building if we are not out of the room and off the elevators by 10:00.

DELEGATE BALDWIN: We will be out --

DELEGATE JONES: Wait. Delegate Baldwin, I need to say this.

DELEGATE BALDWIN: Okay.

DELEGATE JONES: We have to move equipment out of here and it does not occur that fast. So I am asking if you could possibly do it in the next five minutes so that we could adjourn.

DELEGATE BALDWIN: We will spend only five minutes on any discussion and amendments.

DELEGATE JONES: Thank you.

DELEGATE BALDWIN: We are dealing strictly with item (a) under Section 3.

Delegate Schrag and Corn.

DELEGATE SCHRAG: I move an amendment which will be a new sentence at the end of Section (a). "An independent candidate receiving one of the three highest totals in the most recent gubernatorial election shall be treated as a state committee for purposes of this section".

(Whereupon, the motion was seconded.)

DELEGATE CORN: Substitute motion.

DELEGATE SCHRAG: I will write it out for the Secretary.

DELEGATE BALDWIN: You will write it out for the Secretary.

DELEGATE CORN: I have a substitute motion.

DELEGATE BALDWIN: Just a second, Delegate Corn.

Do the delegates understand the amendment in section (a)? It is understood?

(No response.)

DELEGATE BALDWIN: Discussion.

DELEGATE CORN: A substitute motion.

DELEGATE BALDWIN: Delegate Corn.

DELEGATE CORN: In view of adding that sentence, I would move the following substitute motions for line 38 and 39: Delete the word "receiving" and in its place put "having" and in line 39 delete the lines -- the word "votes" and put in its place "registered voters". The sentence now reads: "The State committee of each of the three political parties having the highest number of registered voters" --

VOICE: It's out of order, Mr. Chair.

DELEGATE CORN: No, it accomplishes the same thing. It accomplishes something slightly different, I should say.

(Simultaneous discussion.)

DELEGATE BALDWIN: Delegate Corn, that is not a substitute motion.

Mr. Secretary, we have approximately three more minutes? Okay.

Is there any further discussion on the amended

motion to Section (a) which really is an addition?

(No response.)

DELEGATE BALDWIN: We are ready to vote. Those in favor of the amended motion -- does each one understand the amended motion?

DELEGATE CORN: Would you read the motion?

DELEGATE BALDWIN: Delegate Schrag, would you read the motion please?

DELEGATE SCHRAG: "An independent candidate receiving one of the three highest totals in the most recent gubernatorial election shall be treated as a state committee for purposes of this section".

DELEGATE BALDWIN: Those in favor of the amended motion --

DELEGATE JONES: There is a question here.

DELEGATE BALDWIN: Yes, Delegate Jones.

DELEGATE JONES: My question to Delegate Schrag is this: If the independents are not organized into a group, how will the Governor know that the nominations are coming from an organized group of independents? And if they are organized into a group, in fact they become a party called the independent party, which I would have no problems with.

But the question I would like to ask --

DELEGATE BALDWIN: Delegate Schrag, can you answer the question?

DELEGATE SCHRAG: The treatment of the independent candidate here would be just like the treatment of independent candidates under the federal election laws; that is, John Anderson was an independent candidate and he personally will be eligible to direct the flow of federal election funds in the next election, even though he is not a political party.

Now what would happen here is that the independent candidate who came in first, second or third for Governor would himself or herself have three names to give to the Governor to be part of this list of twelve.

DELEGATE BALDWIN: Delegate Jones, does that answer your question?

DELEGATE JONES: Yes.

DELEGATE BALDWIN: Other discussion? We only have two minutes and we will vote or have it tabled and it will be an item on the agenda at the next meeting.

Delegate Jackson.

DELEGATE JACKSON: I rise to speak in favor of the amendment. The purpose of this is to give to those which have the larger number of votes in the ward, as you put it, commissions. Now independents -- for this reason I support

the language of Delegate Schrag.

DELEGATE BALDWIN: One other person and we will either vote or we will put it on the agenda for the next meeting.

What is your pleasure?

DELEGATE CORN: Vote now; move the question.

DELEGATE BALDWIN: The question has been called for.

(Whereupon, a second was given.)

DELEGATE BALDWIN: Those in favor of moving the question, signify by saying yes.

(A chorus of "nay".)

DELEGATE BALDWIN: Opposed is nay.

(A chorus of "nays".)

DELEGATE BALDWIN: Abstentions.

(No response.)

DELEGATE BALDWIN: We will now vote on Delegate Schrag's amended motion. Those in favor of the motion, signify by saying yes.

(A chorus of "yes".)

DELEGATE BALDWIN: Opposed is nay.

(A chorus of "nays".)

DELEGATE BALDWIN: Abstention.

(No response.)

DELEGATE BALDWIN: Division has been called for. Those in favor of the amended motion, raise your hands.

(A show of hands.)

DELEGATE BALDWIN: Those opposed to the amended motion, raise your hand?

(A show of hands.)

DELEGATE BALDWIN: The motion has been adopted. We stand adjourned.

(Whereupon, at 9:53 p.m., the meeting was adjourned.)

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